



Notice of Service of Process

JWG / ALL
Transmittal Number: 22469660
Date Processed: 12/22/2020

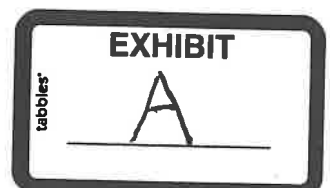
Primary Contact: Amanda Ratliff
Menard, Inc.
5101 Menard Dr
Eau Claire, WI 54703-9604

Electronic copy provided to: Andrew Akey
Kacie Bertrand
Ashley Aubart

Entity:	Menard, Inc. Entity ID Number 0033810
Entity Served:	Menard, Inc.
Title of Action:	Martha Balanzar Reyes vs. Menard, Inc.
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court/Agency:	Cook County Circuit Court, IL
Case/Reference No:	2020L010611
Jurisdiction Served:	Illinois
Date Served on CSC:	12/22/2020
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Zachary E. Borter 312-726-1021

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC
251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com



FILED

2120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
SUMMONS

21 - Served 12/1/2020 8:43 AM
 21 - Not Served
 21 - Served By Mail
 21-Served By Publication
 (7-90) CCG-1A

SUMMONS

IRIS Y. MARTINEZ
 CIRCUIT CLERK
 COOK COUNTY, IL

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT-LAW DIVISION

MARTHA BALANZAR REYES ,

Plaintiff,

v.

MENARD, INC.,

Defendant.

Case No. 2020 L 010611

2020L010611

PLEASE SERVE: MENARD, INC.
 C/O R/A Prentice Hall Corporation
 801 Adlai Stevenson Drive
 Springfield, IL 62703

ALIAS SUMMONS

To the Defendant:

YOU ARE SUMMONED and required to file an Answer in this case, or otherwise file your appearance in the office of the clerk of this court, located in the Richard J. Daley Center, Room * 801, Chicago, Illinois 60602, within 30 days after service of this summons, not counting the day of service. **IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS ATTACHED HERETO.**

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

12/1/2020 8:43 AM IRIS Y. MARTINEZ

WITNESS, _____, 2020.

Attorney No. 44667
 CARY J. WINTROUB & ASSOCIATES
 Attorneys for Plaintiff
 10 South LaSalle Street, Suite 2424
 Chicago, Illinois 60603
 (312) 726-1021


 DOROTHY BROWN Clerk of Court

Date of service: _____, 2020
 (To be inserted by officer on copy left with defendant
 or other person)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

FILED DATE: 12/1/2020 8:43 AM 2020L010611

FILED DATE: 10/6/2020 8:33 AM 2020L010611

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-LAW DIVISION

FILED
10/6/2020 8:33 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL
2020L010611

MARTHA BALANZAR REYES ,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
MENARD, INC.,)	
)	
Defendant.)	

10680034

COMPLAINT AT LAW

NOW COMES the Plaintiff, MARTHA BALANZAR REYES, by and through her attorneys, CARY J. WINTROUB & ASSOCIATES, and complaining of the Defendant, MENARD, INC., (commonly known as "MENARDS") states as follows:

COUNT I – NEGLIGENCE

For his first cause of action against the Defendant, MENARD, INC., individually and d/b/a MENARDS, Plaintiff, MARTHA BALANZAR REYES, states as follows:

1. That on or about November 7, 2018, and for some time prior and subsequent thereto, the Defendant, MENARD, INC., was and remains a foreign corporation, transacting business in the State of Illinois, engaged in the business of operating and providing a retail store to the public, and did so d/b/a MENARDS.

2. That in connection with the operation of its business, the Defendant, MENARD, INC., herein owned, operated, managed, maintained and controlled and/or otherwise contracted to own, operate, manage, maintain and control the premises located at 3215 W. North Avenue, in the City of Melrose Park, County of Cook and State of Illinois, together with the passages, areaways and appurtenances thereof and thereat.

FILED DATE: 10/6/2020 8:33 AM 2020L010611

3. That on or about November 7, 2018, the Plaintiff, MARTHA BALANZAR REYES was legally and lawfully upon said premises, and more particularly, was shopping in the store at said premises.

4. That on or about November 7, 2018, the Plaintiff, MARTHA BALANZAR REYES sustained injuries after she was struck in the back by a certain type of shopping cart while on a moving pathway within the store.

5. That it was then and there the duty of the Defendant, MENARD, INC., to exercise reasonable care and caution in and about the ownership, operation, management, maintenance and control of said premises, and the passages, areaways and appurtenances thereof and thereat, so that same would be in a good, safe and proper condition for persons legally and lawfully in and upon said premises, to use, occupy and walk upon, and so as not to cause harm and injury to such persons.

6. That the Defendant, MENARD, INC., negligently and carelessly breached said duty in one or more of the following ways:

- (a) Improperly operated, managed, maintained and controlled said premises, and the passages, areaways and appurtenances thereof and thereat, so that as a direct result thereof, the Plaintiff was injured;
- (b) Failed to provide a good, safe and proper place for the Plaintiff to be, use, occupy and walk upon on said premises;
- (c) Allowed and permitted an improper type of shopping cart to be on the moving pathway in an area where it was foreseeable that customers would walk and or stand when said shopping cart was not properly supported by said moving pathway;
- (d) Failed to remedy the unsafe, dangerous and hazardous condition of the improper shopping cart on the moving pathway, when Defendant knew or should have known that the same was in the use and need thereof;
- (e) Failed to inspect said premises to be certain that the improper shopping cart was not in use on the moving pathway; and/or

- (f) Failed to properly and adequately advise patrons of the store that said shopping cart was not to be used on the moving pathway.

7. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions on the part of the Defendant, MENARD, INC., the Plaintiff, MARTHA BALANZAR REYES suffered, and will in the future suffer injuries of a personal, permanent and pecuniary nature.

WHEREFORE, the Plaintiff, MARTHA BALANZAR REYES prays for the entry of judgment against the Defendant, MENARD, INC., in an amount greater than FIFTY THOUSAND AND 00/100TH (\$50,000.00) DOLLARS, plus costs of this suit.

COUNT II – PREMISIS LIABILITY

For her second cause of action against the Defendant, MENARD, INC., individually and d/b/a MENARDS, Plaintiff, MARTHA BALANZAR REYES, states as follows:

1. That on or about November 7, 2018, and for some time prior and subsequent thereto, the Defendant, MENARD, INC., was and remains a foreign corporation, transacting business in the State of Illinois, engaged in the business of operating and providing a retail store to the public, and did so d/b/a MENARDS.

2. That in connection with the operation of its business, the Defendant, MENARD, INC., herein owned, operated, managed, maintained and controlled and/or otherwise contracted to own, operate, manage, maintain and control the premises located at 3215 W. North Avenue, in the City of Melrose Park, County of Cook and State of Illinois, together with the passages, areaways and appurtenances thereof and thereat.

3. That on or about November 7, 2018, the Plaintiff, MARTHA BALANZAR REYES was legally and lawfully upon said premises, and more particularly, was shopping in the store at said premises.

FILED DATE: 10/6/2020 8:33 AM 2020L010611

4. That on or about November 7, 2018, the Plaintiff, MARTHA BALANZAR REYES sustained injuries after she was struck in the back by a certain type of shopping cart while on a moving pathway within the store.

5. That it was then and there the duty of the Defendant, MENARD, INC., to exercise reasonable care and caution in and about the ownership, operation, management, maintenance and control of said premises, and the passages, areaways and appurtenances thereof and thereat, so that same would be in a good, safe and proper condition for persons legally and lawfully in and upon said premises, to use, occupy and walk upon, and so as not to cause harm and injury to such persons.

6. That on and prior to November 7, 2018, the Defendant knew, or should have known through the exercise of reasonable care, about the improper shopping cart which was being used on the moving pathway which then and there existed on Defendant's premises.

7. That the existence of the improper shopping cart being used on Defendant's moving walkway presented an unreasonable risk of harm to persons legally and lawfully on the property, including the Plaintiff.

8. That the Defendant, MENARD, INC., could have reasonably expected that persons on the property either would not discover or realize the danger, or would fail to protect themselves against such danger.

9. That the Defendant, MENARD, INC., negligently and carelessly breached said duty in one or more of the following ways:

- (a) Improperly operated, managed, maintained and controlled said premises, and the passages, areaways and appurtenances thereof and thereat, so that as a direct result thereof, the Plaintiff was injured;
- (b) Failed to provide a good, safe and proper place for the Plaintiff to be, use, occupy and walk upon on said premises;

FILED DATE: 10/6/2020 8:33 AM 2020L010611

- (c) Allowed and permitted an improper type of shopping cart to be on the moving pathway in an area where it was foreseeable that customers would walk and or stand when said shopping cart was not properly supported by said moving pathway;
- (d) Failed to remedy the unsafe, dangerous and hazardous condition of the improper shopping cart on the moving pathway, when Defendant knew or should have known that the same was in the use and need thereof;
- (e) Failed to inspect said premises to be certain that the improper shopping cart was not in use on the moving pathway; and/or
- (f) Failed to properly and adequately advise patrons of the store that said shopping cart was not to be used on the moving pathway.

10. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions on the part of the Defendant, MENARD, INC., the Plaintiff, MARTHA BALANZAR REYES suffered, and will in the future suffer injuries of a personal, permanent and pecuniary nature.

WHEREFORE, the Plaintiff, MARTHA BALANZAR REYES prays for the entry of judgment against the Defendant, MENARD, INC., in an amount greater than FIFTY THOUSAND AND 00/100TH (\$50,000.00) DOLLARS, plus costs of this suit.

CARY J. WINTROUB & ASSOCIATES

By: 

Zachary E. Borter
Attorney for Plaintiff

ID #: 44667
CARY J. WINTROUB & ASSOCIATES
Attorneys for Plaintiff
10 South LaSalle Street, Suite 2424
Chicago, Illinois 60603
312-726-1021


FILED DATE: 10/6/2020 8:33 AM 2020L010611

AFFIDAVIT OF DAMAGES

SUPREME COURT RULE 222

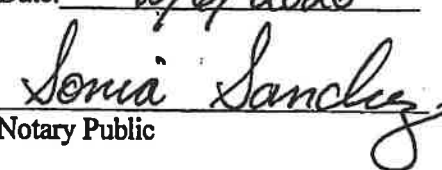
The undersigned being first duly sworn upon oath,
deposes and states that he is the attorney for the
plaintiff in the above entitled cause of action seeking
money damages, and states that this cause of action
DOES exceed \$50,000.00.

CARY J. WINTROUB & ASSOCIATES

BY: 
Attorneys for Plaintiff

Subscribed and Sworn to before me

Date: 10/6/2020


Notary Public



ARDC 6322424
CARY J. WINTROUB & ASSOCIATES
Attorneys for Plaintiff
10 South LaSalle Street
Suite 2424
Chicago, Illinois 60603
312-726-1021